

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JOANN ESTATES UTILITIES,	)	
INC. TO TRANSFER THE LAND, AND PHYSICAL	)	CASE NO.
ASSETS OF THE JOANN ESTATE UTILITIES,	)	90-393
INC., IN MCCrackEN COUNTY, KENTUCKY, TO	)	
BILLY G. WAID	)	
	)	
AND	)	
	)	
JOANN ESTATES UTILITIES, INC.	)	
	)	CASE NO.
	)	90-408
	)	
ALLEGED VIOLATION OF KRS CHAPTER 278	)	

O R D E R

On March 25, 1991, a motion was filed with the Commission by Brenda Menser, Ricky Green, Vickie Livingston, and Kim Barrett ("Applicants"), all customers of Joann Estates Utilities, Inc. ("Joann Estates"), to intervene in both the Commission's show cause proceeding against Joann Estates and the transfer application which were recently pending before the Commission. Said motion was made pursuant to 807 KAR 5:001, Section 3(8).

807 KAR 5:001, Section 3(8), provides that, in any formal proceeding, "any person who wishes to become a party to a proceeding before the commission may by timely motion request that he be granted leave to intervene" (emphasis added). The transfer application and show cause proceeding had been pending before this Commission since November 26, 1990 and December 18, 1990, respectively. In the transfer case, the proposed acquirer of the

facilities had already found it necessary to sign a 30-day waiver of the 60-day statutory period prescribed by KRS 278.020(5) for Commission action on the transfer. That extension of time expired on March 28, 1991, and the Commission's final Orders in both the show cause and transfer proceeding were issued on March 27, 1991.

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that the Applicants did not request intervention in the timely fashion required by 807 KAR 5:001, Section 3(8), and that the granting of intervention at this time would unduly complicate and disrupt these proceedings. It appears from the documentation attached to the Applicants' motion that their request results from informal notification by the utility of an impending rate increase. The Applicants herein will have the opportunity to request intervention in any rate proceeding which Joann Estates may file with the Commission.

IT IS THEREFORE ORDERED that the Applicants' request for intervention in these proceedings is hereby denied.

Done at Frankfort, Kentucky, this 28th day of March, 1991.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director